



## **Maximize the Effectiveness of Your Written and Oral Testimony to the LBC Regarding the Unorganized Borough Review**

(Prepared January 24, 2003)

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### **A. Background**

The 2002 Alaska Legislature, by unanimous vote, approved legislation that was signed into law by then-Governor Knowles directing the Local Boundary Commission (LBC) through Chapter 53, SLA 2002 to “review conditions in the unorganized borough” and “report to the legislature the areas it has identified that meet the standards for incorporation.”

The law specifies that, “No portion of the report under this section constitutes a Local Boundary Commission proposal for purposes of art. X, sec. 12, Constitution of the State of Alaska.” In other words, the filing of the Commission’s report with the Legislature does not constitute a proposal to incorporate a borough in any region.

In December of last year, the Commission reviewed data for the entire unorganized borough concerning population, per capita household income, percent of unemployment, percent of adults not working, average household income, percent of poverty, and property values. As a result, the Commission excluded from further consideration unorganized areas whose financial capacity to support the services mandated for borough government appeared marginal. Remnant areas of the unorganized borough lying within the model boundaries of existing organized boroughs were also excluded from further consideration.

Thus, the Commission selected eight areas of the unorganized borough for a more

comprehensive review of the borough incorporation standards. Those areas are:

- Aleutians West and Aleutians-Military model boroughs (combined);
- Upper Tanana Basin Model Borough;
- Copper River Basin Model Borough;
- Prince William Sound Model Borough;
- Glacier Bay Model Borough;
- Chatham Model Borough;
- Prince of Wales Island Model Borough; and
- Wrangell-Petersburg Model Borough.

Fundamental components of the **DRAFT** of the Commission’s report are available for public review. Those consist of Chapter 2 (addressing the borough incorporation standards) and Chapter 3 (applying those standards to the eight regions). Copies of those and other materials relating to this matter have been widely circulated in the eight regions noted above. Those materials are also available for review at the LBC website at:

<http://www.dced.state.ak.us/cbd/lbc/boroughstudy/home.htm>

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### **B. Prepare for the Hearing**

The LBC will conduct a public hearing on this matter on February 8, 2003. Details concerning the hearing are provided in the formal public notice of the hearing, which has been extensively published and distributed. Before the hearing, you are encouraged to review carefully the materials noted above.

Prepare your written or oral comments to the Commission. Written testimony may be filed as outlined at the end of this summary.

### C. Provide Relevant Comments

The LBC's findings – its “report to the legislature (of) the areas it has identified that meet the standards for incorporation” – will be based on standards established in law that are applied to the facts pertaining to the eight areas under review. Accordingly, oral and written comments that address those standards and facts will matter most for the LBC's review and findings.

Standards for borough incorporation are set forth in Article X of the Alaska Constitution, AS 29.05.031, AS 20.05.100 and 3 AAC 110.045 - .065. The standards relevant to the review required by Chapter 53, SLA 2002 are addressed in the **DRAFT** report referred to earlier. The standards and the application of those standards to the eight areas in question are summarized as follows:

#### **The economic capacity of the region must be sufficient to support borough government.**

Determination whether this standard is met involves consideration of reasonably anticipated borough functions, expenses, and income; ability to generate and collect local revenue; economic base; land use; existing and reasonably anticipated industrial, commercial, and resource development; property valuations; personal income; and other factors. Additionally, information about prior borough feasibility studies conducted in the areas in question is being reviewed.

The **DRAFT** report concludes that the economy of each of the eight unorganized areas under review includes the human and financial resources necessary to provide essential borough services on an efficient, cost-effective level. Thus, the **DRAFT** report considers the standard set out in AS 29.05.031(a)(3) and 3 AAC 110.055 to be

satisfied with respect to the eight unorganized areas in question.

#### **The population of the region must be large and stable enough to support borough government.**

At the time of the 2000 census, the eight unorganized areas under review in the **DRAFT** report had populations ranging from 1,354 to 6,964. Thus, the population of each of those eight areas exceeds the 1,000-person presumptive minimum set out in 3 AAC 110.050(b).

Six of the unorganized areas reviewed in the **DRAFT** report had populations exceeding those of nearly 40% of Alaska's existing organized boroughs. Each of the two least populated unorganized areas listed still had populations exceeding those of two existing organized boroughs. Thus, the **DRAFT** report concludes that the standards set out in 3 AAC 110.050 and AS 29.05.031(a)(1) are satisfied with regard to the eight regions noted earlier.

#### **The region must be sufficiently interrelated and integrated to support borough government.**

The **DRAFT** report concludes that each of the eight regions under review embraces an area and population with common interests at the regional level called for in Article X, Section 3 of Alaska's constitution. Moreover, the **DRAFT** report indicates that each of those areas has a population that is interrelated and integrated socially, culturally, and economically, as set out in AS 29.05.031(a)(1) and 3 AAC 110.045(a). Additionally, the boundaries of the eight unorganized regions examined in the **DRAFT** report conform generally to natural geography and include all areas necessary for full development of municipal services in compliance with AS 29.05.031(a)(2) and 3 AAC 110.060(a). Further, the **DRAFT** report indicates that communications facilities and land, water, and air transportation facilities in

each of the eight regions examined allow the communication and exchange necessary for the development of integrated borough government in accordance with AS 29.05.031(a)(4) and 3 AAC 110.045(c)-(d). In addition, the **DRAFT** states that each of the eight regions embrace multiple bonafide communities as set out in 3 AAC 110.045(b). Further, the eight areas in question are defined by model borough boundaries that meet the standard established in 3 AAC 110.060(b).

The **DRAFT** report also notes that the boundaries of four of the eight regions under review encompass entire REAAs. Those are the Aleutians Model Borough (Aleutian Region REAA + Unalaska), Upper Tanana Basin Model Borough (Alaska Gateway REAA + Delta Greely REAA), Copper River Basin Model Borough (Copper River REAA), and Prince William Sound Model Borough (Chugach REAA + Valdez + Cordova). Moreover, the boundaries of the Glacier Bay Model Borough encompass all of the Chatham REAA localities with the exception of Klukwan (an enclave within the Haines Borough), Skagway (a city school district bounded on the west and south by the Haines Borough and on the north and east by Canada), and Angoon (within the Chatham Model Borough). The Chatham Model Borough encompasses Angoon and Kake (Kake operates a city school district). The Prince of Wales Model Borough encompasses all of the Southeast Island REAA localities except for Hyder and Meyers Chuck (within the Ketchikan Gateway Borough model boundaries), and localities in the Wrangell-Petersburg Model Borough. The latter includes Wrangell, Petersburg, Kupreanof, and Thom's Place (Wrangell and Petersburg each operate city school districts). The **DRAFT** report notes that the model borough boundaries conform to existing regional educational attendance area boundaries except where the Commission has previously determined that model borough boundaries are better suited to the public interest in a full balance of the

standards for incorporation of a borough pursuant to 3 AAC 110.060(c).

All of the territory defined by the model borough boundaries for the eight areas under review is contiguous. Further, none of that territory contains enclaves. Thus, the **DRAFT** report concludes that the standard set out in 3 AAC 110.060(d) is met. Lastly, none of the model boundaries overlaps the boundaries of an existing organized borough. As such, the **DRAFT** report concludes that the model borough boundaries met the standard set out in 3 AAC 110.060(e).

Based on the foregoing, the **DRAFT** report concludes that each of the areas meets all of the regional commonalities standards established in law.

**That a borough government in the region would serve the broad public interest.**

The **DRAFT** report notes that Alaska's constitution encourages the creation of boroughs. Principally for that reason, the **DRAFT** report concludes formation of boroughs that otherwise meet the standards serves the best interests of the state in accordance with AS 29.05.100, 3 AAC 110.065, and 3 AAC 110.980.

The law also requires provisions for an efficient and effective transition to borough status. In the abstract, it is difficult to conceive of circumstances under which any of the eight regions reviewed in the **DRAFT** report would be unable arrange for a well planned and executed transition to borough government within two years. Consequently, the **DRAFT** report concludes that the transition standard set out in 3 AAC 110.900 is satisfied.

Lastly, the law prohibits the establishment or alteration of any municipal government in Alaska if the effect of such would deny or abridge the right to vote *on account of race or color or because a person is a member of a language minority group*. It is difficult to

envision conditions under which boroughs established in any of the eight regions reviewed in the **DRAFT** report would violate that limitation. Thus, the **DRAFT** report indicates that the standards set forth in 42 U.S.C. Section 1973 and 3 AAC 110.910 are satisfied in the abstract for all eight regions reviewed.

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## **D. Observe the Rules**

To ensure that everyone who wishes to speak during the hearing has a reasonable and equal opportunity to do so, individuals should plan to limit their comments to no more than three minutes each.

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## **E. Avoid Repetition**

If another speaker has addressed points to your satisfaction, you may wish to simply note that you agree with the earlier remarks, and spend your allotted time on relevant topics that have not yet been addressed.

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## **F. Submission of Written Testimony and Further Information**

Oral testimony at the February 8, 2003 hearing will be limited to three minutes per person. Written comments of any length are also welcome, but must be received by 4:30 p.m., February 6, 2003 to be considered by the LBC at the February 8 hearing. Written comments may be submitted as follows:

Mail: Local Boundary Commission  
550 West 7<sup>th</sup> Avenue, Suite 1770  
Anchorage, AK 99501-3510

E-mail: [LBC@dcad.state.ak.us](mailto:LBC@dcad.state.ak.us)

Fax: (907) 269-4539

Comments received after February 6 but no later than February 14, 2003 will also be provided to the Commission. Those comments will also be included in the public record of this proceeding; however, they will not be considered at the February 8 hearing.

Questions or requests for additional information concerning the meeting may be directed to LBC staff at: (907) 269-4560.